

REMARKS

The Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 2-7 and 13-14 have been amended. Claim 1 has been canceled without prejudice to further prosecution on the merits. Claims 18-21 have been added. No new matter has been added. Claims 2-21 will be pending in the present Application upon entry of this Reply and Amendment .

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections - 35 U.S.C. § 112 ¶ 2

On page 2 of the Office Action, the Examiner rejected Claims 1-13 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner asserted that in Claim 1, lines 10-11, the language “a mechanical fixing of the spring in a central region of the spring” is unclear and confusing language. The Examiner also asserted that in Claim 6, line 7, the word “in” should be inserted after the word “is” so that claims reads “is in the release position.”

As detailed below, Claim 1 has been canceled without prejudice to further prosecution on the merits. Claim 7 has been rewritten to include the subject matter of Claim 1 and has been amended to address the above-noted concerns of the Examiner. Specifically, Claim 7 now recites “wherein the spring is provided in such a manner that locking of the retaining rods can be brought about by at least one of fixing a central region of the spring and applying a force on the central region of the spring.” The word “in” has also been added where appropriate. The Applicants believe that Claim 7 is definite and in compliance with 35 U.S.C. § 112 ¶ 2. Accordingly, the Applicants request withdrawal of the rejection of Claims 1-13 under 35 U.S.C. § 112 ¶ 2.

The Applicants note that the claim amendments described above are intended to clarify the language used in the amended claim, and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicants that the amendments made to the claims in no way impair the ability of the Applicants to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

Allowable Subject Matter

On page 6 of the Office Action, Claims 7-10 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims and if rewritten to overcome the rejections under 35 U.S.C. § 112 ¶ 2 set forth above.

Claim 7 has been amended to include all of the limitations of its base claim and any intervening claims. Claim 1 has been canceled without prejudice to further prosecution on the merits. The dependency of Claims 2-5 have been amended to depend from Claim 7. Accordingly, Claim 7, and Claims 2-6 and 8-13 that depend therefrom, are believed to be in condition for allowance. By amending such claims, the Applicants wish to make it unmistakably clear that they do not agree to or acquiesce in the rejection to Claims 1-6 and 11-13 under 35 U.S.C. § 102. Claim 7 has been amended (without prejudice to further prosecution on the merits) only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner.

Accordingly, the Applicants request withdrawal of the rejection of Claims 1-13 under 35 U.S.C. § 102, and favorable consideration and allowance of independent Claim 7 (and Claims 2-6 and 8-13 that depend therefrom).

Claim Rejections - 35 U.S.C. § 102(b)

On page 3 of the Office Action, the Examiner rejected Claims 14-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,572,831 to Barecki. On page 4 of the Office Action, the Examiner rejected Claims 14-17 under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,671,573 to Nemoto et al. These rejections should be withdrawn because the

cited references fail to disclose, teach or suggest the subject matter recited in independent Claim 14 (as amended).

For example, neither Barecki nor Nemoto et al. disclose a “headrest” comprising, among other elements, “an elongated spring . . . and a sliding element . . . wherein the spring moves in a direction perpendicular to a direction of movement of the sliding element,” as recited in independent Claim 14 (as amended).

In rejecting Claims 14, the Examiner stated:

Barecki [and Nemoto et al.] teach . . . a sliding element which can be set at least in a first position and in, a second position, the spring interacting with the sliding element so that, when the sliding element is set into the first position, the spring is in the locking position and when the sliding element is set into the second position, the spring is in the release position.

The Applicants note that the Examiner failed to indicate what portions of Barecki and Nemoto et al. the Examiner believes constitutes a sliding element. Regardless, neither Barecki nor Nemoto et al. disclose, suggest or teach a sliding element that moves in a direction that is perpendicular to the direction of movement a spring.

For at least this reason, the Applicants submit that Claims 14 is not anticipated by Barecki or Nemoto et al. under 35 U.S.C. § 102(b). The Applicants further submit that dependent Claims 15-17, which depend from Claim 14, are also not anticipated by Barecki or Nemoto et al. for at least the same reason as Claim 14. The Applicants respectfully request withdrawal of the rejection of Claims 14-17 under 35 U.S.C. § 102(b).

New Claims

Claim 18 depends from Claim 14 is patentable over the applied references for at least the same reason as Claim 14.

Claim 19 recites a headrest for a vehicle. The headrest includes a support part, a pair of retaining rods having a plurality of recesses and movably coupled to the support part, a spring interacting with the retaining rods and movable between a release position disengaged

from the recesses and a locking position engaged with one of the recesses on the retaining rods, and a sliding element movable in a lateral direction relative to the support part to cause the spring to move from the locking position to the release position to permit movement of the retaining rods relative to the support part. Claims 20 and 21 depend from Claim 19. The Applicants submit that new Claims 19-21 are fully supported by the Application as originally filed and are patentable over the applied references.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicant requests consideration and allowance of all pending claims.

The Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent Application and/or any patents or patent applications to which priority is claimed by this patent Application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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